Remarks

The Office Action dated February 9, 2005 has been carefully reviewed and the foregoing amendments have been made as a consequence thereof.

Claims 1-5 and 7-29 are now pending in this application. Claims 1-5 and 7-29 stand rejected. Claims 1, 12, 22, 25, and 29 have been amended. No new matter has been added.

The rejection of Claims 1, 3-5, 7-11, 22, 24, and 26-28 under 35 U.S.C. § 102(b) as being anticipated by Koether (US 5,875,430) is respectfully traversed.

Koether discloses a system in which each kitchen base station (150) is capable of communicating through wireless means, such as through cellular radio or other wireless means, with corresponding kitchen appliances (110) (column 5, lines 3-8). As such, each kitchen base station includes an RF transmitter (160) and an RF receiver (165) (column 5, lines 11-13). In the system, on site repair is enhanced through use of a portable hand held terminal (810) having, for example, a Palm/Laptop computer linked to a microprocessor based controller (140) by a suitable interface, such as, for example, a wireless RS-232 interface using infrared communication (column 10, lines 1-6). The hand held terminal interrogates the controller to ascertain a model and model number of an appliance under service, and then diagnoses abnormal operating conditions (column 10, lines 9-12).

Claim 1 recites a method of performing service diagnostics on appliances, the method comprising "connecting a diagnostic interface within a building housing the appliance to a local area appliance network, wherein the diagnostic interface includes a display; accessing an appliance in the local area appliance network; performing service diagnosis of the appliance through said diagnostic interface over the local area appliance network using service functions in the appliance; and implementing the diagnostic interface within a single device including the display, a processing circuitry generating service commands to perform the service diagnosis, and a power line carrier modem."

Koether does not describe or suggest a method of performing service diagnostics on appliances as recited in Claim 1. Specifically, Koether does not describe or suggest implementing the diagnostic interface within a single device including the display, a processing circuitry generating service commands to perform the service diagnosis, and a power line carrier modem. Rather, Koether describes a kitchen base station including an RF transmitter and an RF receiver. The base station communicates through wireless means with corresponding kitchen appliances. Koether further describes a laptop computer linked to a microprocessor based controller of an appliance. Accordingly, Koether does not describe or suggest implementing the diagnostic interface within a single device including the display, a processing circuitry as recited in Claim 1, and a power line carrier modem. For at least the reasons above, Claim 1 is respectfully submitted to be patentable over Koether.

Claims 3-5 and 7-11 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 3-5 and 7-11 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-5 and 7-11 likewise are patentable over Koether.

Claim 22 recites a diagnostic system for providing access to service diagnostics on an appliance, the system comprising "a local area appliance network coupled to the appliance; a diagnostic interface configured to be connected to said local area appliance network within a building housing the appliance, said diagnostic interface comprising a display, wherein said diagnostic interface facilitates accepting service diagnostics commands destined for the appliance, the diagnostics interface implemented within a single device including a display device, a microprocessor configured to generate the diagnostics commands, and a power line carrier modem; and a dedicated appliance controller for receiving and executing the diagnostics commands."

Koether does not describe or suggest a diagnostic system for providing access to service diagnostics on an appliance as recited in Claim 22. Specifically, Koether does not describe or suggest the diagnostics interface implemented within a single device including a

display device, a microprocessor configured to generate the diagnostics commands, and a power line carrier modem. Rather, Koether describes a kitchen base station including an RF transmitter and an RF receiver. The base station communicates through wireless means with corresponding kitchen appliances. Koether further describes a laptop computer linked to a microprocessor based controller of an appliance. Accordingly, Koether does not describe or suggest the diagnostics interface implemented within a single device including a display device, a microprocessor as recited in Claim 22, and a power line carrier modem. For at least the reasons above, Claim 22 is submitted to be patentable over Koether.

Claims 24 and 26-28 depend directly from independent Claim 22. When the recitations of Claims 24 and 26-28 are considered in combination with the recitations of Claim 22, Applicants submit that dependent Claims 24 and 26-28 likewise are patentable over Koether.

For at least the reasons set forth above, Applicants respectfully request that the 102 rejection of Claims 1, 3-5, 7-11, 22, 24, and 26-28 be withdrawn.

The rejection of Claims 2, 12-21, 23, 25, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Koether in view of Andruzzi, Jr. et al. (U.S. Patent 4,580,256) is respectfully traversed.

Koether is described above.

Andruzzi, Jr. et al. describe a transmission-medium-specific in favor of a set of electrical conductors which may be wire pairs or coaxial cables (column 2, lines 44-46). Such an LAN could be designated electrical system transporter (EST), and it could function along the lines of a common power-line carrier system (PLC) (column 2, lines 46-50). The EST operates within a localized transmission medium defined by an electrical distribution system of a building, house or any localized residential/commercial complex (column 2, lines 50-54). Accordingly, data is exchanged in bidirectional fashion (half-duplex) among at least one network master modem, to which is connected a computer, and a plurality of slave

modems which are appropriately connected to separate electronic devices, alarms, printers, thermostats, appliances, monitors or communication terminals (column 2, lines 54-60).

Claim 2 depends from Claim 1 which recites a method of performing service diagnostics on appliances, the method comprising "connecting a diagnostic interface within a building housing the appliance to a local area appliance network, wherein the diagnostic interface includes a display; accessing an appliance in the local area appliance network; performing service diagnosis of the appliance through said diagnostic interface over the local area appliance network using service functions in the appliance; and implementing the diagnostic interface within a single device including the display, a processing circuitry generating service commands to perform the service diagnosis, and a power line carrier modem."

Neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest a method of performing service diagnostics on appliances as recited in Claim 1. Specifically, neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest implementing the diagnostic interface within a single device including the display, a processing circuitry generating service commands to perform the service diagnosis, and a power line carrier modem. Rather, Koether describes a kitchen base station including an RF transmitter and an RF receiver. The base station communicates through wireless means with corresponding kitchen appliances. Koether further describes a laptop computer linked to a microprocessor based controller of an appliance. Andruzzi, Jr. et al. describe an electrical system transporter (EST) that functions along the lines of a common power-line carrier system. Andruzzi, Jr. et al. further describe at least one network master modem, to which is connected a computer, and a plurality of slave modems which are appropriately connected to separate appliances. Accordingly, neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest implementing the diagnostic interface within a single device including the display, a processing circuitry as recited in Claim 1, and a power line carrier modem. For at least the reasons above, Claim 1 is respectfully submitted to be patentable over Koether in view of Andruzzi, Jr. et al.

When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 2 likewise is patentable over Koether in view of Andruzzi, Jr. et al.

Claim 12 recites a diagnostic interface for performing service diagnostics on appliances, the diagnostic interface comprising "a display for viewing diagnostic and service information; processing circuitry for generating service commands for an appliance; and a power line carrier communication interface configured to be connected to a local area appliance network within a building housing the appliance, wherein said power line carrier communication interface facilitates transmitting the service commands to the appliance and receiving appliance diagnostic results on a power line carrier communication system, and said diagnostic interface implemented within a single device including said display, said processing circuitry generating the service commands to service the appliance, and said power line communication interface."

Neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest a diagnostic interface for performing service diagnostics on appliances as recited in Claim 12. Specifically, neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest the diagnostic interface implemented within a single device including the display, the processing circuitry generating the service commands to service the appliance, and the power line communication interface. Rather, Koether describes a kitchen base station including an RF transmitter and an RF receiver. The base station communicates through wireless means with corresponding kitchen appliances. Koether further describes a laptop computer linked to a microprocessor based controller of an appliance. Andruzzi, Jr. et al. describe an electrical system transporter (EST) that functions along the lines of a common power-line carrier system. Andruzzi, Jr. et al. further describe at least one network master modem, to which is connected a computer, and a plurality of slave modems which are appropriately connected to separate appliances. Accordingly, neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest the diagnostic interface implemented within a single device including the display, the processing circuitry as recited

in Claim 12, and the power line communication interface. For at least the reasons above, Claim 12 is respectfully submitted to be patentable over Koether in view of Andruzzi, Jr. et al.

Claims 13-21 depend, directly or indirectly, from independent Claim 12. When the recitations of Claims 13-21 are considered in combination with the recitations of Claim 12, Applicants submit that dependent Claims 13-21 likewise are patentable over Koether in view of Andruzzi, Jr. et al.

Claims 23, 25, and 29 depend directly from independent Claim 22 which recites a diagnostic system for providing access to service diagnostics on an appliance, the system comprising "a local area appliance network coupled to the appliance; a diagnostic interface configured to be connected to said local area appliance network within a building housing the appliance, said diagnostic interface comprising a display, wherein said diagnostic interface facilitates accepting service diagnostics commands destined for the appliance, the diagnostics interface implemented within a single device including a display device, a microprocessor configured to generate the diagnostics commands, and a power line carrier modem; and a dedicated appliance controller for receiving and executing the diagnostics commands."

Neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest a diagnostic system for providing access to service diagnostics on an appliance as recited in Claim 22. Specifically, neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest the diagnostics interface implemented within a single device including a display device, a microprocessor configured to generate the diagnostics commands, and a power line carrier modem. Rather, Koether describes a kitchen base station including an RF transmitter and an RF receiver. The base station communicates through wireless means with corresponding kitchen appliances. Koether further describes a laptop computer linked to a microprocessor based controller of an appliance. Andruzzi, Jr. et al. describe an electrical system transporter (EST) that functions along the lines of a common power-line carrier system. Andruzzi, Jr. et al. further describe at least one network master

modem, to which is connected a computer, and a plurality of slave modems which are appropriately connected to separate appliances. Accordingly, neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest the diagnostics interface implemented within a single device including a display device, a microprocessor as recited in Claim 22, and a power line carrier modem. For at least the reasons above, Claim 22 is respectfully submitted to be patentable over Koether in view of Andruzzi, Jr. et al.

When the recitations of Claims 23, 25, and 29 are considered in combination with the recitations of Claim 22, Applicants submit that dependent Claims 23, 25, and 29 likewise are patentable over Koether in view of Andruzzi, Jr. et al.

For at least the reasons set forth above, Applicants respectfully request that the 103 rejection of Claims 2, 12-21, 23, 25, and 29 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 2, 12-21, 23, 25, and 29 are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Koether nor Andruzzi, Jr. et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Koether with Andruzzi, Jr. et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991).

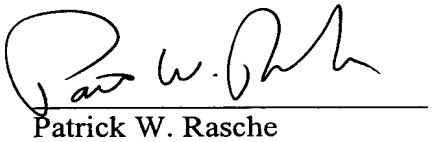
In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Koether teaches a kitchen base station including an RF transmitter and an RF receiver. The base station communicates through wireless means with corresponding kitchen appliances. Koether further teaches a laptop computer linked to a microprocessor based controller of an appliance. Andruzzi, Jr. et al. teach an electrical system transporter (EST) that functions along the lines of a common power-line carrier system. Andruzzi, Jr. et al. further teach at least one network master modem, to which is connected a computer, and a plurality of slave modems which are appropriately connected to separate appliances. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 2, 12-21, 23, 25, and 29 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the 103 rejection of Claims 2, 12-21, 23, 25, and 29 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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